MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 3, 2017/2018

ULS2612 – LAW OF SUCCESSION

(All Sections / Groups)

1 JUNE 2018
Reading Time: 9.15 a.m – 9.15 a.m
(15 minutes)
Answering Time: 9.15 a.m – 12.15 p.m
(3 Hours)

INSTRUCTIONS TO STUDENTS

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 3 pages with 5 Questions only. Answer **ALL** questions in **PART A** and **ONE (1)** question in **PART B**.

3. All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are allowed to bring into Examination Hall CLEAN and ORIGINAL copy of **Wills Act 1959, Inheritance (Family Provision) Act 1971, Probate & Administration Act 1959 And Distribution Act 1958.**

5. Students are not allowed to lend or borrow statute(s) during the Examination.

6. Please write all your answers in the Answer Booklet provided.

PART A: ANSWER ALL QUESTIONS.

QUESTION 1

The law of intestate succession in Malaysia is divided between Muslims and Non-Muslims. Each will have their own sets of beneficiaries of the estate. In addition to that, in a Muslim intestacy it is extended to allow certain obstacles for beneficiaries from inheriting the estate. On the other hand, the Non-Muslims intestacy recognizes the creation of statutory trust in favour of issues of the intestate.

Discuss.

(Total: 25 marks)

QUESTION 2

Mr. Jack left behind 3 sons; Dome, Remon and Mike aged 14, 15 and 19 respectively. At the time of his death he was living separately from his wife, Mrs. Jill. His estate consists of a huge amount of cash savings, 2 bungalow houses and 2 cars.

In his last will, he left ½ portion of his cash savings to a needy foundation while the other half portion is to be distributed equally between Dome and Remon. Neither Mrs. Jill nor Mike was named as beneficiary in Mr. Jack's will.

It was also stated in his will the followings; 'Mike is never my child and I do not want that schizophrenic dumb to inherit any of my cents.'

The will has no residuary clause.

Mrs. Jill who is a fulltime housewife came to see you seeking for an advise as to whether she could claim any portion of the late husband's estate for herself and for the care of Mike who suffers from a chronic mental disease.

Advise Mrs. Jill.

(Total: 25 marks)

Continued .....

QUESTION 3

Molly died recently at the age of 102. Her husband had predeceased her 40 years earlier. She left two houses under her name and savings amounting to RM2,000,000.00 in three local banks. Molly was known to be a very capable 'old lady' and was able to take care of herself until about three months before her death.

One month before her death, she told her neighbour, Ah Boo, that she wanted to make a will. She mentioned to Ah Boo that she has no surviving relatives and plans to give the bulk of her estate to a charitable organisation known as Wings Melaka and a small sum of RM20,000 to Ah Boo for helping her in preparing the will. Ah Boo then told Molly that he (Ah Boo) was very poor and his business was doing very badly. He also promised to take care of Molly until she (Molly) dies. Molly then changed her mind and decided to leave all her property to Ah Boo.

Ah Boo assisted Molly in writing her will. Molly was already very weak and suffered from delusion. By then, Molly had started believing that Ah Boo was her husband who has returned after a long time. The will was executed two weeks before Molly died, in the hospital, in the presence of Ah Boo and three nurses.

It was later found that Molly has a surviving son, Ah Tu, whom she had not met for many years.

Discuss.

(Total: 25 marks)

Continued .....

PART B : ANSWER ANY ONE QUESTION ONLY

QUESTION 4

Bobo died recently. Upon his death, his family members noticed some writing on his mattress that mentioned the disposition of all his property to a charity. The writing was in a mixture of English and French, both languages that Bobo had an ability to converse.

Instead of signing the 'will' using his normal signature, Bobo merely wrote the letters 'J.B.' at the end of the pillow case. From young, Bobo was often referred to as John Bobo by his parents and friends.

It now transpires that Bobo's 'signature' was witnessed by two witnesses, Alicia and Nini. It was done at Bobo's house. While they were witnessing the signing of the 'will' by Bobo, Alicia left the room to answer an urgent call. As such, only Nini witnessed Bobo signing his will.

When Alicia returned, both Bobo and Nini had already signed the 'will'. Nini pointed to her signature and told Alicia to put her signature next to hers (Nini's). Alicia, who was only 17 years of age, did as she was told and signed next to Nini's signature.

Discuss whether there is a valid will under Section 5 of the Wills Act 1959.

(Total: 25 marks)

QUESTION 5

The rules relating to formalities for the valid execution of a will are far too harsh and serve no useful function.

With reference to the necessary case laws, evaluate on the accuracy of the above statement. Are reforms necessary in relation to formalities?

(Total: 25 marks)

End of page.